

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY KAREN ERBE,)
Executrix of the Estate of) Civil Action No. 06-113
Edward Erbe,)
Plaintiff,) Judge Terrence F. McVerry
v.) Magistrate Judge Lisa Pupo Lenihan
CONNECTICUT GENERAL LIFE)
INSURANCE COMPANY,) Doc. Nos. 65, 69
Defendant.

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on January 27, 2006, upon removal from the Court of Common Pleas of Westmoreland County, Pennsylvania, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (Doc. No. 84), filed on February 17, 2010, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 69) be denied, Defendant's Motion for Summary Judgment (Doc. No. 65) be granted, and Judgment be entered in favor of Defendant. Service was made on counsel of record for all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th day of March, 2010,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 69) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 65) is **GRANTED**, and Judgment is entered in favor of Defendant and against Plaintiff.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated February 17, 2010, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed.

BY THE COURT:

s/ Terrence F. McVerry
TERRENCE F. McVERRY
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

All Counsel of Record
Via Electronic Mail